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SUBJECT: DEMOCRATIC REPUBLIC OF THE CONGO 2006 TRAFFICKING
IN PERSONS REPORT

REF: STATE 03836

1. (SBU) American Embassy Kinshasa provides the following information in accordance with reftel instructions. Responses are keyed to reftel,s numbered paragraphs (21-24).

Begin responses:

(21) Overview of country's activities to eliminate trafficking in persons:

A. The DRC is not a major country of origin, transit, or destination for international trafficked men, women, or children.

The final year of the Congolese transition government, established following five years of civil war, focused largely on moving the DRC toward the first free national elections in more than forty years. Two optional six-month extensions of the transitional period, from July 1, 2005 to December 31, 2005, and from January 1, 2006 to June 30, 2006, were enacted, and a referendum approving a new constitution took place successfully on December 18, 2005. The country is now moving toward full national and provincial elections prior to the mandatory June 30 end of the transition.

Thousands of indigenous and foreign armed groups remain in the eastern DRC provinces of Orientale, Katanga, North Kivu, and South Kivu, however. There is nominal government control over these provinces, but members of the armed groups are still able to perpetrate violent acts against the population. The Congolese military (FARDC) now has six integrated units that have, in the past six months, worked with the UN Mission to the Congo (MONUC) to neutralize these armed groups. Despite these actions and the increased security provided by UN troops in the eastern part of the DRC, large swaths of territory remain unstable. It is in these areas that the continuing abduction of men, women, and children by armed groups takes place, albeit at a much reduced rate from previous years. The transitional government's top priority, after ensuring democratic elections, is removing these armed groups.

B. Trafficking in persons, according to the definitions provided by G/TIP, is not a problem in the DRC. Citizens in the DRC are, on the contrary, abducted by armed groups outside of government control in a region of, at best, political and military instability, and at worst, outright violent conflict. Abductions in the DRC are internal and occur primarily in the eastern provinces. Male and female children captured as soldiers, women abducted as sex slaves or "war wives," and men and women kidnapped as porters by armed groups are the predominant categories. There are no reliable statistics on the number of abduction victims by the armed groups. The transitional government, MONUC, and NGO officials agree that the number of abductions has declined, although many people abducted in previous years are still being held. Only one case of "traditional" trafficking in persons activity has been reported -- near the Zambian border. (Note: The occasional "disappearance" of Congolese citizens in Europe following illegal migration has also been reported, but not confirmed, as trafficking. End note.) Additionally, prostitution exists throughout the country and may involve girls under the legal age of consent. All documentation on abductions and prostitution in the DRC comes from local and international NGOs working in the country.

(Note: In 2005, there were numerous well-publicized allegations against MONUC personnel (civilian and military) of sexual abuse and frequenting prostitutes. In the past year, however, MONUC implemented a zero tolerance policy prohibiting sexual relations with Congolese nationals for all staff. All reported cases are investigated, and members of the MONUC mission in violation of the policy have been sent back to their home countries, and in some cases, prosecuted. End note.)

C. Given the transitional government's financial, military, and political inability to deal with armed groups, its capacity to address abduction -- a problem almost entirely

consequent of these armed groups -- is very limited despite the government's strong desire to do so. The enormous size of the country (equivalent to Western Europe), coupled with a complete lack of infrastructure (there are virtually no roads outside of major cities) and an ineffective army pose enormous monitoring challenges. The DRC is one of the poorest nations in the world, with an average lifespan of 43 years, and an estimated 38,000 people dying of hunger, illness, or violence each month. The country cannot pay its police, military, or civil servants sufficiently nor on a regular basis. The transitional government lacks the resources not only to aid victims but also to provide security and basic services to its citizens. In the face of such overwhelming problems, the limited actions the transitional government has been able to take toward eliminating abductions are understandable.

1D. The transitional government does not systematically monitor the anti-trafficking efforts of its various ministries, although the ministries themselves record their own efforts. The Ministry of Human Rights collects information from national and international organizations registered with it.

(22) Prevention:

1A. The transitional government acknowledges that armed groups abduct civilians. The transitional government is also aware of one case of Congolese citizens trafficked to Zambia.

1B. The Ministries of Justice and Human Rights and the demobilization agency CONADER are involved in anti-abduction efforts. None is officially designated a lead agency.

1C. Due to lack of funding, there have been no government-run anti-trafficking information or education campaigns. However, staff from the Ministry of Human Rights attended an anti-trafficking conference in 2003 and have developed an educational program they would like to implement but cannot without donor assistance.

1D. The transitional government continues to move toward integration and professionalization of its troops with the intention of using them to neutralize armed groups. A unified and effective military would also be able to secure porous borders. There are several donor-financed programs (including from the USG) to enable children, particularly girls, to remain in school.

1F. Transitional government officials work with NGOs to assist former child soldiers and victims of sexual violence in receiving treatment and reintegrating into society.

1G. The transitional government does not regularly monitor immigration and emigration patterns for evidence of trafficking, as border controls are very weak throughout the country. Law enforcement agencies do not screen for potential trafficking victims but have recently begun human rights and professionalization training.

1H. The transitional government does not have a mechanism for coordination and communication between various agencies on trafficking-related matters. It does not have a trafficking in persons working group or single point of contact. The Parliament has created a public corruption committee called the Lutundula Group. The transitional government is composed of former belligerents who rarely cooperate or coordinate on most issues.

1J. The transitional government does not have a national plan of action to address trafficking in persons. The Ministries of Justice and Human Rights have taken specific actions on the issue and have worked directly with NGOs that are assisting them in their efforts.

(23) Investigation and Prosecution of Traffickers:

1A. The DRC does not have a law specifically prohibiting trafficking in persons. However, the Ministry of Justice is currently working with the French government to revise its penal code to include specific laws against trafficking, modeled on French laws. (Note: The Ministry was unable to provide details on these revisions as they are still in progress, so it is not yet clear whether the laws will cover both internal and external forms of trafficking. End note.) They anticipate completing the project in September and submitting legislation to the newly-elected Parliament in late 2006 or 2007 for consideration. Prior to the elections in the first half of 2006, which will mark the end of the transition, the National Assembly and Senate will not consider newly introduced legislation. There are laws against slavery and prostitution in the country, but the government lacks funding to distribute copies of the national penal code (one thick volume) to the 2,500 magistrates throughout the country and are seeking international assistance to do so.

1B. There are no current laws or penalties for traffickers of people for sexual or labor exploitation.

1C. Rape or forcible sexual assault is punishable by 5-15 years imprisonment. Rape of a minor by a person in a position of power (e.g., a priest or teacher) is punishable by a minimum of 20 years. Rape resulting in death (not uncommon in the DRC) is punishable by the death penalty. There are no specific penalties for sex trafficking.

1D. Prostitution is statutorily illegal as are the activities of prostitutes, brothel owners/operators, clients, pimps, and enforcers. Law enforcement and judicial authorities are rarely able to enforce existing laws due to lack of personnel, funding, and the instability engendered by continuing armed group activity in the east. Much of the prostitution involves only individual women trying to earn enough money to survive. Local-level law enforcement officials regularly use laws against underage persons in drinking establishments to close down potential or actual brothels.

1E. The transitional government has not prosecuted any cases against traffickers.

1F. Armed groups are behind the abduction of civilians. In the sole reported case of external trafficking (see also paragraph I below), the traffickers were presumed to be freelance operators. (Note: Two women took a group of children across the border into Zambia where they were stopped by Zambian officials. Although it is assumed the children were being "trafficked," there is no information on their intended destination or regarding the purpose of their abduction. End note.) There is no evidence of small crime groups or large international organized crime syndicates working as traffickers in the DRC. There is no evidence of employment, travel, or tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals. There are no reports of government involvement in the abduction of civilians in the past year, nor are there any reports of government involvement in external trafficking. Any profits acquired through abduction (e.g. ransom) are used by armed groups to fund their continued military actions.

1G. The transitional government does not actively investigate cases of trafficking.

1H. The transitional government has no funding to provide specialized training to government officials on the specifics of particular crimes, including trafficking.

1I. In the only known case of external trafficking, in which several Congolese children were taken to Zambia by two Congolese women, the DRC Embassy to Zambia fully cooperated with the Zambian government in quickly repatriating the children to the DRC. The transitional government did not assist in the investigation or prosecution of the case due to lack of resources.

1J. The transitional government has not extradited anyone charged with trafficking in other countries. The government has not extradited its own nationals charged with such offenses as no such cases have been brought forward.

1K. There is no government tolerance of trafficking. However, the government is wholly incapable of stopping the abduction of civilians by armed groups.

1L. There is no evidence of government involvement in trafficking, and no officials have been prosecuted for such activity.

1M. The DRC does not have a child sex tourism problem.

1N. The government has signed and ratified all of the following international instruments:

ILO Convention 182; ratified June 20, 2001
ILO Convention 29 and 105; ratified June 20, 2001
Optional Protocol to the CRC; ratified March 5, 2001
Protocol on Trafficking; ratified March 5, 2001

(24) Protection and Assistance to Victims:

1A. The transitional government assists former child soldiers through the CONADER demobilization process by providing temporary housing and vocational training. Legal, medical, and psychological services as well as health care facilities are also provided by NGOs.

1B. The transitional government has no funding to support either foreign or domestic NGOs for services to victims.

1C. NGOs work with government officials to monitor, locate,

and assist victims, particularly demobilized child soldiers.

1D. There continues to be social stigmatization of women who have been abducted as sex slaves. The almost complete lack of a functioning judicial system in the DRC means that victims and criminals rarely see the inside of a courtroom.

1E. The transitional government cannot encourage victims to assist in the investigation and prosecution of trafficking because civil and criminal justice systems throughout the country are very weak. There is no victim restitution program.

1F. The transitional government is unable to provide protection for victims and witnesses. (Note: The transitional government is unable to provide sufficient security to all its own citizens to prevent their abduction by armed groups in the first place. End note.)

1G. The transitional government is unable to provide any specialized training to government officials on trafficking and victim assistance, either internally or at its embassies abroad, due to a complete lack of resources.

1H. There have been no reported cases of repatriated nationals who are victims of trafficking in the DRC.

1I. In the eastern provinces where most abductions by armed groups have occurred, numerous local NGOs supported by UNICEF, Save the Children, and CARITAS work with former child soldiers. (Note: The USG provides funding to several of these NGOs. End note.) These NGOs provide shelter, basic literacy education, and vocational training for a large number of the 16,000 child soldiers that have been demobilized in the country (3,200 in 2005 alone). Most of the "child soldiers" are now legally adults, as abduction of children for soldiering occurred largely prior to 2001.

End responses.

12. (SBU) Point of contact on trafficking is Tracy Naber, 243-81-884-1354 (mobile), 934-3259 (IVG), 243-81-301-0561 (fax), nabertj@state.gov. Entry-level political officer spent 50 hours researching and preparing this report.
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